

HOUSE BILL REPORT

HB 3262

As Reported by House Committee On:
Transportation

Title: An act relating to abstracts of driving records.

Brief Description: Expanding the list of persons and entities that may acquire driving record abstracts for certain purposes.

Sponsors: Representative Takko.

Brief History:

Committee Activity:

Transportation: 2/5/08, 2/8/08 [DP].

Brief Summary of Bill

- Allows state colleges, universities and agencies for employment and risk management purposes, and units of local government that are authorized to self-insure, to receive driving record abstracts.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 18 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton, Campbell, Dickerson, Eddy, Hudgins, Jarrett, Loomis, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records or abstracts contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- the status of the person's driving privilege in this state; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer or prospective employer;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS); and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or agent, prospective employer or agent, or a city or county prosecuting attorney. A partial abstract may be released to specified insurance companies and alcohol/drug assessment or treatment agencies approved by the DSHS.

Information may only be used for specific purposes, depending on who requests the abstract. For example, an abstract provided to an insurance company may only be used for its own underwriting purposes. In addition, an abstract provided to an employer may only be used to determine whether the individual named in the abstract should be permitted to operate a commercial vehicle or school bus. Furthermore, an abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment.

Persons requesting the abstract, other than the individual named in the abstract, may not give any information contained in the abstract to a third party.

Washington and many local governments self-insure for property and liability risks, including liabilities that may arise from the use of government-owned vehicles.

Summary of Bill:

The list of those to whom the Director of the DOL may furnish a driving record abstract is expanded to include state colleges, universities, and agencies for employment and risk management purposes, and units of local government that are authorized to self-insure. These added entities are not required to furnish an attestation that the information is necessary to determine whether the licensee would be employed to operate a commercial vehicle or school bus, or an employee's signature authorizing release of the abstract.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 2008.

Staff Summary of Public Testimony:

(In support) This bill would allow city and county risk pools to obtain abstracts on drivers, which will help them with their self-insurance. The current law only contemplates the needs of commercial interests. This bill would help with insurance and public safety by allowing access to records to determine who should and who should not be driving for cities and counties.

In approximately 40 states, abstracts can be released for general business purposes. Employers look to these abstracts in order to determine a variety of things regarding a current or potential employee. Insurers already access the DOL database in order to assist insurance companies with underwriting decisions.

(Opposed) None.

Persons Testifying: Representative Takko, prime sponsor; Julie Murray, Washington Association of Cities; and Mel Sorensen, Choicepoint.

Persons Signed In To Testify But Not Testifying: None.